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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,691	08/21/2001	Nobuaki Ema	10830-074001	6398
26211	7590	07/13/2004	EXAMINER	
FISH & RICHARDSON P.C. 45 ROCKEFELLER PLAZA, SUITE 2800 NEW YORK, NY 10111			STOCK JR, GORDON J	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,691

Applicant(s)

EMA, NOBUAKI

Examiner

Gordon J Stock

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 and 5** are rejected under 35 U.S.C. 102(e) as being anticipated by **Rabinski (6,480,651)**.

As for **claims 1 and 5**: Rabinski in a method and apparatus for aligning optical components discloses the following: a measurement unit (Fig. 3: 90) comprising a plurality of detectors and power meters (Fig. 3: 72 and 74; col. 6, lines 50-60); a first optical fiber and a second optical fiber and position controller whereby the optical component under test has a plurality of output terminals (see Fig. 3: 34, 30, 40, 50, 80); whereas, a maximum signal is detected (col. 8, lines 28-42). Secondary fibers are connected to the detectors from a switch mechanism (see Fig. 3: 76, 72, 74), and they are coupled to measurement unit that comprises a display device (Fig. 3: 90).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosure of prior related art in view of **Pan (5,754,721)** and further in view of **Wada et al. (JP 01025109 A)** and **Chauvin et al. (5,889,586)**.

As to **claim 1**, the applicant's disclosure teaches prior art apparatus comprising: a measurement unit for measuring an optical output signal output from the optical component (Fig. 3, **104** and **106** of applicant's disclosure); a first optical fiber which is connected to an input terminal of the optical component under test and inputs the measurement optical signal to the optical component (Fig. 3, **102** of applicant's disclosure); a second optical fiber which is connected to an output terminal of the optical component under test and transfers, to the measurement unit, an optical output signal output from the optical component under test (Fig. 3, **103** of applicant's disclosure); a position controller for adjusting relative positions between the first optical fiber, second optical fiber, and connective sections of the optical component such that insertion loss becomes a minimum (page 2 of applicant's disclosure). Applicant's disclosure is silent concerning the positioning to a maximum signal but discloses in prior art that there is positioning until insertion loss is minimized. And Pan in a fiberoptic connector teaches that a minimum insertion loss means a maximum signal transfer (col. 2, lines 55-65). Therefore, it would be obvious to one skilled in the art at the time to adjust the positions until the signal becomes a maximum because connections are adjusted until minimum insertion loss occurs which is equivalent to having a maximum signal transfer achieved.

In addition, applicant's disclosure teaches the optical component has a plurality of output terminals, a plurality of secondary optical fibers, measurement fibers, and measurement equipment (power meters) or may comprise just one power meter (page 3; lines 1-6 of applicant's disclosure). Applicant's disclosure of prior related art is silent concerning a plurality of photodetectors that are coupled to the secondary optical fibers that are connected to a measurement unit via a switch. However, Wada in an alignment device for optical waveguides teaches coupling a plurality of secondary optical fibers to a multichannel detector that has switchable means to switch between channels for measuring individual channels by the power meter (abstract and Fig. 1: 44, 54, 56). And Chauvin in a photodetection system teaches that multichannel detectors comprise a plurality of detectors (col. 1, lines 9-15). Therefore, it would be obvious to one skilled in the art at the time the invention was made to have the system comprise a plurality of photodetectors, multichannel detector, coupled to the multiple output terminals via secondary optical fibers and have a switch in order to have a single power meter be able to measure alignment at each individual channel of the optical component under test comprising multiple channels, output terminals.

As for a display unit: they are silent, but display units are well known in the art for displaying data collected. It would be obvious to one skilled in the art to have a display unit in order to display measurements obtained by the measurement unit.

As to **claim 5**, the applicant's disclosure teaches a prior related art method comprising: inputting a measurement optical signal to the optical component under test by way of a first optical fiber connected to an input terminal of the optical component under test; transmitting an optical signal output from the measurement optical component by way of a second optical fiber

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connected to an output terminal of the optical component under test; measuring an optical output signal output from the optical component under test on the basis of the optical output signal transmitted by way of the second optical fiber; adjusting relative positions between the first and second optical fibers and connections of the optical component under test such that insertion loss is minimized (Fig. 3 and page 2 of applicant's disclosure). Applicant's disclosure is silent concerning the positioning to a maximum signal but discloses in prior art that there is positioning until insertion loss is minimized. And Pan in a fiberoptic connector teaches that a minimum insertion loss means a maximum signal transfer (col. 2, lines 55-65). Therefore, it would be obvious to one skilled in the art at the time to adjust the positions until the signal becomes a maximum because connections are adjusted until minimum insertion loss occurs which is equivalent to having a maximum signal transfer achieved.

In addition, applicant's disclosure teaches the optical component has a plurality of output terminals, a plurality of secondary optical fibers, measurement fibers, and measurement equipment (power meters) or may comprise just one power meter (page 3; lines 1-6 of applicant's disclosure). Applicant's disclosure of prior related art is silent concerning a plurality of photodetectors that are coupled to the secondary optical fibers that are connected to a measurement unit via a switch. However, Wada in an alignment device for optical waveguides teaches coupling a plurality of secondary optical fibers to a multichannel detector that has switchable means to switch between channels for measuring individual channels by the power meter (abstract and Fig. 1: 44, 54, 56). And Chauvin in a photodetection system teaches that multichannel detectors comprise a plurality of detectors (col. 1, lines 9-15). Therefore, it would be obvious to one skilled in the art at the time the invention was made to have the system

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comprise a plurality of photodetectors, multichannel detector, coupled to the multiple output terminals via secondary optical fibers and have a switch in order to have a single power meter be able to measure alignment at each individual channel of the optical component under test comprising multiple channels, output terminals.

As for a display unit: they are silent, but display units are well known in the art for displaying data collected. It would be obvious to one skilled in the art to have a display unit in order to display measurements obtained by the measurement unit.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

However, in view of the Rabinski reference (previously cited) Examiner apologizes for the inconvenience, but upon further consideration Examiner rejected the claims under 35 U.S.C. 102(e) (see above) and the Examiner requires a translation of the foreign priority papers to overcome the rejection in relation to the Rabinski reference if the foreign priority papers are the sole reliance by which the applicant wishes to overcome the 35 U.S.C. 102(e) rejection.

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

- 1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

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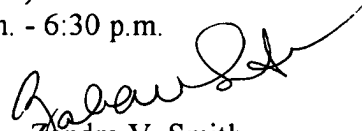
This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (703) 872-9306

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431. The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

gs

July 7, 2004


Zandra V. Smith
Primary Examiner
Art Unit 2877